

REMARKS:

The above amendments and following remarks are responsive to the points raised in the April 4, 2003 final Office Action and the July 11, 2003 Advisory Action. Upon entry of the above amendment, Claim 10 will have been amended and Claims 1-4, 6-14, and 16-20 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

The Examiner, in the July 11, 2003 Advisory Action, refused entry of Applicants' July 2, 2003 Amendment and Request for Reconsideration (37 CFR § 1.116) urging that new issues requiring further consideration and or searched had been raised. The Examiner stated that "Claim 10 controls the color reproduction range based upon the color purity controlled by moving a filter into or out of an optical path, while claim 1 modifies a control pattern of the display element, thus, the proposed change to claim 10 raises new issues.

The instant Preliminary Amendment corrects the typographical errors in reproducing original Claims 2, 4, and 8 that were inadvertently presented in the non-entered July 2, 2003 Amendment and Request for Reconsideration and kindly pointed out by the Examiner in the Advisory Action.

Response to Rejection under 35 U.S.C. § 102(b):

Claims 10 and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ogawa (US Patent 5,321,448). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Ogawa does not disclose each feature of the invention recited in Claims 10 and 20. Ogawa does not include any teaching, or suggestion, that when the purity of a color is low, a display element is controlled in a color reproduction range narrower

than a color reproduction range used when the purity is high. The Examiner, in regard to the teaching of Ogawa, states that “[i]nherently when the color purity is low the color reproduction range is inherently narrower because the color range of the lower color purity is less.” The Examiner, however, has not presented any factual basis or line of technical reasoning that when the color purity of Ogawa is low, the color reproduction range is inherently narrower because the color purity range of the lower color purity is less. The Examiner’s position does not flow from the teaching of Ogawa.

Notwithstanding the above discussion, the Examiner has, nonetheless, urged that Claims 10 and 20 are not allowable on the basis that Claims 10 and 20 do not recite that “the purity is varied by moving the filter into or out of an optical path.” In the interest of expediting prosecution of the instant application, Applicant has amended Claim 10 to specifically recite that purity is varied by moving the filter into or out of an optical path. As such, Claim 10 is distinguished over the prior art teaching of Ogawa. Claim 20, which depends from Claim 10, is also distinguished over Ogawa for at least the same reasons as Claim 10. Furthermore, the amendments to Claim 10 correct for the antecedent basis matter raised by the Examiner in the Advisory Action in regard to Claim 20.

Accordingly, the rejection under 35 U.S.C. § 102(e) should be withdrawn and the rejected claims allowed.

Allowable Subject Matter

Claims 1-4, 6-9, 11-14, and 16-19 have been allowed. Applicants agree with the Examiner’s finding.

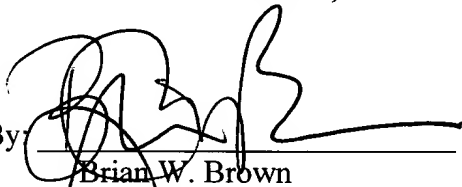
CONCLUSION:

Applicant's respectfully submit that Claims 1-4, 6-14, and 16-20 are in condition for allowance and a notice to that effect to earnestly solicited.

AUTHORIZATIONS:

The commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4621.

Respectfully submitted,
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